

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL ASHBY,

Petitioner,

v.

JOSEPH LEHMAN,

Respondent.

Case No. C03-5385RJB

BRIEFING SCHEDULE

This Habeas Corpus petition filed pursuant to 28 U.S.C. § 2254 has been re-referred to this court. The Ninth Circuit has reversed the District Court on one issue and ordered the court to address whether the petitioner was denied due process with regard to his ability to present staff witnesses at his disciplinary hearing.

The Respondent will file a brief addressing this issue on or before **September 29<sup>th</sup>, 2006**. Petitioner will file a response on or before **October 27<sup>th</sup>, 2006**. In addition to any briefing the parties wish to submit the court asks the parties to address the following two issues:

1. Where, in the petition before the court, was this issue raised?

1           2.       Is this issue exhausted?

2           The Clerk is directed to send copies of this Order to petitioner and counsel for respondent  
3 and to note the matter on the Court's **October 27<sup>th</sup>, 2006 calendar**.

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5                       DATED this 28<sup>th</sup> day of August, 2006.

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7                               /s/ J. Kelley Arnold  
8                               J. Kelley Arnold  
                                  United States Magistrate Judge  
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